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OFFICE OF PETITIONS

In re Application of :
Rasche, et al. :
Application No. 09/610,129 : DECISION ON PETITION
Filed: July 5, 2000 :
Attorney Docket No. LE9-00-051 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed March 2, 2007.

The petition is **GRANTED**.

The above-identified application was held abandoned for not filing a reply after applicant withdrew the appeal. Applicants filed an Appeal Brief on December 29, 2004. The Examiner mailed an Answer on April 19, 2005. On May 2, 2005, Applicants filed a "WITHDRAWAL OF APPEAL". The Office mailed a Notice of Abandonment on February 7, 2007.

MPEP 1215.02 states:

If an application contains allowed claims, as well as claims on appeal, the withdrawal of the appeal does not operate as an abandonment of the application, but is considered a withdrawal of the appeal as to those claims and authority to the examiner to cancel the same. An amendment canceling the appealed claims is equivalent to a withdrawal of the appeal

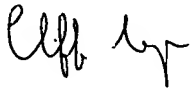
A review of the Examiner's Answer reveals that there were allowed claims.

In view of the above and per MPEP 1215.02, it is obvious that the Notice of Abandonment was mailed in error.

Accordingly, **the holding of abandonment is withdrawn.**

The matter is being forwarded to Group Art Unit 2625 for consideration of the "WITHDRAWAL OF APPEAL", filed May 2, 2005.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions